



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/002,906 01/05/98 WUGOFSKI

T 450.196US1

EXAMINER

WM02/0801

SCHWEGMAN LUNDBERG
WOESSNER & KLUTH
P O BOX 2938
MINNEAPOLIS MN 55402

TRAN. H	
ART UNIT	PAPER NUMBER

2611
DATE MAILED:

08/01/01

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Office Action Summary

Application No.

09/002,906

Applicant(s)

WUGOFSKI ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 19-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-12 and 19-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller (US 5635989) in view of Kostreski et al (US 5734589).

Regarding claim 1, Rothmuller discloses a computer system for managing favorite channels (Fig.1) based on a user specified theme (Col.1, lines 35-39), the computerized system comprising:

One or more favorite channel lists (Col.2, lines 13-33 and Fig.3, 4, 5);

Storing one or more favorite channel lists (Col.6, lines 60- Col.7, lines 9);

Although not specifically disclosing "a favorites database", Rothmuller must have a Database, stored within the memory of the system contains a master list of broadcast channels wherein the master list of channels is further subdivided into list of channels associated with particular broadcast types or sources and may be further subdivided into grouping associated with a particular user (favorite

Art Unit: 2611

channel list) and each of the channels within the master channel list includes customizable parameters and data associated therewith so to function as disclosed.

Rothmuller does not clearly disclose one or more logical channels of the favorite channel list related to user specified theme.

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-Col.29, lines 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rothmuller by mapping favorite channel listed to corresponding logical (virtual) channels, as taught by Kostreski, in order to present to user an list of programs (EPG) in an organized, structured format adapted for ease of use by the user as suggested by Kostreski (Col.3, lines 15-57).

Regarding claim 2, Rothmuller further discloses an EPG (Fig.2) content database storing a plurality of events available on one or more channels for a period of time (Col.4, lines 43-53).

Regarding claim 3, Rothmuller further discloses wherein the user specified theme corresponds to a theme field of events in an EPG content database (Col.1, lines 35-39).

Regarding claim 4, Rothmuller further discloses an EPG data services for managing the EPG content Database, the EPG data services providing functions for loading EPG –type (category) data from one or more data services(different program sources) (Col.2, lines 1-3 and lines 23-32; and Col.1, lines 35-39).

Regarding claim 5, Rothmuller further discloses a favorites service providing one or more user interfaces and a plurality of management functions for each one of the favorite channel list (Fig.4, 5 and Col.5, lines 59-Col.8, lines 15).

Regarding claim 6, Rothmuller further discloses wherein the management functions include at least one function selected from the group of functions consisting of: adding a favorite event to one of the favorite channel lists (Col.7, lines 1-9), removing a favorite event from one of the favorite channel lists (Col.6, lines 40-59 and Col.7, lines 10-16) and selecting a favorite event from one of the favorite channel lists.

Regarding claim7, Kostreski further discloses a channel map service for determining a physical channel number and a corresponding physical device for each one of the logical channels (Fig.5)

Regarding claim 8, see analysis of claim 1, in combination with claims 5-7.

Regarding claim 9, see analysis of claim 7.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, see analysis of claim 1.

Regarding claim 12, see analysis of claim 2.

Regarding claim 19, see analysis of claim 1 in combination with claim 3.

Regarding claims 20 and 21, see analysis of claim 3.

Regarding claim 22 and 28, see analysis of claim 2.

Regarding claims 23 and 29, although not specifically disclosing "the step of identifying is achieved by matching one or more words in a event description from the EPG content Database to the user specified theme." Rothmuller system must perform

the claimed step by allowing user to specify favorite channels and define the order in which those channels will be displayed in the channel (Sorting the favorite channel guide by theme).

Regarding claim 24, Rothmuller further discloses a computer (motherboard, processor, RAM, etc...Fig.1) comprising:

A processor 15;

A computer readable medium 33;

A plurality of computer instructions executed from the computer readable medium by the processor for performing the step of identifying one or more channels showing an event of a user specified theme and including each one of the channels in the favorite channel list (Col.4, lines 17-54).

Regarding claim 25, see analysis of claim 1-6.

Regarding claims 26 and 27, see analysis of claim 3.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneidewend et al. (US 6249320) shows a system and method for displaying major and minor channel numbers.

Wasilewski (US 5600378) shows a logical and composite channel mapping in an MPEG network.

Vaughan et al (US 5926207) shows a Channel Server functionality.

Art Unit: 2611

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377

HT:ht
7/29/01


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600